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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,721	07/03/2003	Arben Kryeziu	1780.003US1	4980
21186 7590 05/21/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER SHIFERAW, ELENI A	
			ART UNIT 2136	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,721

Applicant(s)

KRYEZIU, ARBEN

Examiner

Eleni A. Shiferaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/22/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims Status

1. All independent claims 1, 8, and 15 are presently amended.
2. Claims 1-20 are presently pending.

Response to Amendment

3. The examiner accepts and considers currently submitted reference “DRM Examples” that applicant missed to submit it in previous IDS.
4. The examiner accepts the amendments to 101 rejection(s) made and withdraws the rejection(s) to claims 8-14.

Response to Arguments

5. Applicant's arguments with respect to amended claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 8-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Headings et al.
2002/0083006 A1.

Regarding claim 8, Headings et al. discloses a media stream structure stored/embodied on a computer readable medium, comprising:

media player logic ([0004], [0056]);

media content ([0002]); and

media recipient authentication logic included within the media player logic (fig. 16-17);

wherein when the media stream data structure is streamed to a computing device ([0007] lines 15-16, [0038] lines 20-28; *streaming media content to consumers*), the media player logic is self-loading and self-installing on the computing device and executes the media recipient authentication logic before playing the media content ([0056]-[0057]), and wherein the media recipient authentication logic sends an authentication request to an authentication service over a network (0031) along with the identity of a recipient of the media content, and wherein the media player logic automatically plays the media content when the authentication request is successful ([0057], [0051], and fig. 16 element 34).

Regarding claim 15, Headings et al. teaches a media content authentication system (fig. 1 and [0051]), comprising:

a distribution service for distributing media streams via streaming to recipients ([0007] lines 15-16, [0038] lines 20-28; *streaming media content to consumers*), wherein each media stream includes media content and a self-installing, self-loading, and self-executing media player ([0056]-[0057]); and
an authentication service ([0051]) that subsequently communicates with each media player over a network ([0031]) in order to authenticate access to the recipients that attempts to play the media

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content, and wherein each media player initiates the communication with the authentication service when it self-executes in an environment of a recipient to which it relates, and when authentication is successful each media player automatically plays media content included in the media stream ([0057], [0051], and fig. 16 element 34).

Regarding claim 9, Headings et al. teaches the media stream wherein the media recipient authentication logic also sends an identification of the media content to the authentication service ([0057]).

Regarding claim 10, Headings et al. teaches the media stream further comprising an authentication token, which is added to the media stream data structure if the identity of the recipient is authorized to play the media content on the computing device by the authentication service ([0057]).

Regarding claim 11, Headings et al. teaches the media stream wherein the authentication token is stored external to the media stream data structure and is identified within the media stream data structure as a pointer reference ([0057]).

Regarding claim 12, Headings et al. teaches the media stream wherein the media recipient authentication logic also sends at least one of settings associated with a computing environment of the computing device and an Internet Protocol (IP) address associated with the computing device to the authentication service (0056).

Regarding claim 13, Headings et al. teaches the media stream wherein the authentication service authenticates the identity of the recipient by interfacing with one or more external licensing services (fig. 1 and [0057]).

Regarding claim 14, Headings et al. teaches the media stream wherein the media player automatically plays the media content if a valid authentication token is received from the authentication service ([0057]).

Regarding claim 16, Headings et al. teaches the media content authentication system wherein each media player that self-installs contacts the authentication service immediately after it initially installs on a recipient's computing device (0056).

Regarding claim 17, Headings et al. teaches the media content authentication system wherein each media player receives an authentication token from the authentication service, if a corresponding recipient is authorized to play the media content ([0057]).

Regarding claim 18, Headings et al. teaches the media content authentication system wherein the authentication service uses a licensing service to authorize a number of the recipients for access to the media content (fig. 2).

Regarding claim 19, Headings et al. teaches the media content authentication system wherein the

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authentication service receives information from each of the media players that is used to authenticate each of the recipients, and the information includes at least one of settings of a computing environment that is executing the media player, an identity of the recipient, and an identification of the media content ([0056]-[0057]).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Headings et al. 2002/0083006 A1 in view of Chiu et al. 2003/0208678 A1.

Regarding claim 1, Headings et al. teaches a method to authenticate a media stream recipient (fig. 1 and [0051]), comprising:

automatically receiving an authentication request (fig. 16 elements 18-20; *consumer selecting media content wanted to see ... license server*) from a media player (*set-top-box/television/computer*) when a recipient attempts to use the media player to play a media stream that is streamed to the recipient ([0007] lines 15-16, [0038] lines 20-28; *streaming media content to consumers*), and wherein the media player is itself part of the media stream, and

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wherein the media player is self-loading and self-extracting from the streamed media stream within a computing environment of the recipient ([0056]-[0057]);

verifying that the recipient is authorized to play the media stream (); and sending an authentication token to the media player (fig. 16 element 26) over a network connection (0031), if the recipient is authorized.

Headings et al. decrypting and displaying the required multimedia content but after the license key is received from the license server it sends the key to content server and then decrypts the multimedia data and fails to explicitly disclose wherein the media player automatically plays the media stream once the authentication token is received by the media player. However decrypting television-streamed content automatically when the set top box receives the license key is very well known at the time of the invention (see Chiu et al. 0017-0022 and 0008).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Chiu et al within the system of Headings et al. because they are analogous in television data authentication. One would have been motivated to do so because it is very well known.

Regarding claim 2, Headings et al. teaches the method wherein the sending further comprises automatically installing the authentication token as a licensing key on a computing device of the recipient, wherein the licensing key can include licensing limitations (fig. 16).

Regarding claim 3, Headings et al. teaches the method wherein in automatically receiving, the

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recipient initially obtains the media player and media stream from a second recipient (fig. 16).

Regarding claim 4, Headings et al. teaches the method wherein in verifying, the recipient is verified by externally contacting a licensing service with at least one of an identity of the recipient and an identification of the media stream ([0051]).

Regarding claim 5, Headings et al. teaches the method wherein in sending, the authentication token includes limitations that instruct the media player to self destruct the media stream upon the occurrence of an event or pre-defined time (fig. 16 element 38).

Regarding claim 5, Headings et al. teaches the method wherein in sending, the authentication token includes limitation that instruct the media player to prevent the recipient from re-streaming the media stream to a downstream recipient ([0056]-[0057]).

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Headings et al. 2002/0083006 A1 and Chiu et al. 2003/0208678 A1 and further in view of Capitant 2003/0078891 A1.

Regarding claim 6, Headings et al. and Chiu disclose all the subject matter as described above. Headings et al. and Chiu fail to teach the authentication token is at least one of a digital certificate and a digital signature. However Capitant teaches wherein the method wherein in sending, the authentication token is at least one of a digital certificate and a digital signature (see par. 0043). Therefore it would have been obvious to one having ordinary skill in the art at

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the time of the invention was made to employ the teachings of Capitant within the combination system because they are analogous in multimedia streaming data authentication and verification. One would have been motivated to incorporate the teachings of Capitant is because it would authenticate streamed content using a method of signature and/or certificate.

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Headings et al. 2002/0083006 A1 and further in view of Capitant 2003/0078891 A1.

Regarding claim 20, Headings et al. teaches the media content authentication system wherein the authentication service returns authentication tokens to each of the media players that have authorized recipients (0057). Headings et al. fails to teach at least one of a digital certificate and a digital signature. However Capitant teaches wherein the method wherein in sending, the authentication token is at least one of a digital certificate and a digital signature (see par. 0043). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Capitant within the system because they are analogous in multimedia streaming data authentication and verification. One would have been motivated to incorporate the teachings of Capitant is because it would authenticate streamed content using a method of signature and/or certificate.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



May 15, 2007


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